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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 APR 21 AM 12: 11
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY: [signature] DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Miguel Angel MORALES,** Defendant	Magistrate Docket No. '08 MJ 1211 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 18, 2008** within the Southern District of California, defendant, **Miguel Angel MORALES,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[signature]
SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **APRIL 2008.**

[signature]
Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Miguel Angel MORALES

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On Friday, April 18, 2008, Border Patrol Agent C. Wiggins was assigned to line watch duties in the Boulevard Border Patrol Area of Operations. At approximately 3:30 A.M., Agent Wiggins responded to a seismic sensor activation located two miles west of the Jacumba Exit. This area is used by groups of undocumented aliens who are headed towards the interstate to load into vehicles. This area is located approximately 20 miles east of the Tecate, California Port of Entry, and approximately three miles north of the United States/Mexico International Boundary.

Upon arrival to the area, Agent Wiggins noticed footprints on a trail commonly used by illegal aliens, and followed them for approximately 50 yards where he encountered a group of seven individuals attempting to conceal themselves in the surrounding brush and boulders. Agent Wiggins identified himself as a United States Border Patrol Agent and questioned each of the subjects as to their citizenship and nationality, in the Spanish Language. Each of the subjects, including one later identified as the defendant **Miguel Angel MORALES**, stated that they were citizens of "Mexico". Agent Wiggins then further questioned each of the individuals to see if they were in possession of any immigration documents that would allow them to enter or remain in the United States legally. They each responded "No". Upon further investigation, Agent Wiggins confirmed that the footprints he was following matched the shoe patterns of the individuals he encountered. At approximately 4:30 A.M., Agent Wiggins placed all the individuals under arrest and had them transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 15, 2008** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and was willing to answer questions without an attorney present. The defendant stated that he is a citizen and national of Mexico without proper immigration documents to be in the United States legally.

Executed on April 19, 2008 at 9:00 am.

[signature]
Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **April ~~17~~ 18, 2008**, in violation of Title **8**, United States Code, Section **1326**.

[signature]
Jan M. Adler
United States Magistrate Judge

4/19/08 @ 9:39 a.m.
Date/Time